

**THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MITCHELL JENKINS,

Defendant.

2:24-mj-0002-EJY

DATE: February 5, 2024

Courtroom 3D

THE HONORABLE ELAYNA J. YOUCHAH, UNITED STATES MAGISTRATE JUDGE

DEPUTY CLERK: E. Garcia LAW CLERK: Christina Denbow, via zoom

COURT RECORDER: Liberty Recording (9:05a.m. – 9:15a.m./10:18a.m. – 12:12p.m./12:26p.m. – 1:22p.m./2:12p.m. – 2:50p.m./2:54p.m. – 2:57p.m.)

COUNSEL FOR PLAINTIFF: Afroza Yeasmin and Melanee Smith, AUSA

COUNSEL FOR DEFENDANT: Joy Chen, Christopher Frey, Arielle Caytuero and Mitchell Jenkins, Defendant

MINUTES OF PROCEEDINGS: Bench Trial (Day 1)

The Court convened at 9:05 a.m.

The Court makes preliminary remarks and hears representation of counsel as to the Motion in Limine [22]. Defense counsel request that the matter be dismissed as charges are on citations and not on a complaint or information. The Court denies Defendant's request. The Court instructs government's counsel to prepare a complaint or information as to the three (3) citations. Government's counsel moves to dismiss Citation E1458891/N17L. Citation E1458891/N17L is dismissed by the Court.

Court recesses at 9:15 a.m. Court reconvened at 10:18 a.m.

The Court addresses in open court the Information and the Consent to Proceed before a Magistrate Judge which is signed by all parties. The Court advises Defendant of his right/charges.

The Court makes preliminary remarks and hears representation of counsel as to the Motion in Limine [22]. The Court sets forth its finding on the record. The Motion in Limine (ECF No. 22) is GRANTS IN PART AND DENIES IN PART.

Exclusionary Rule Invoked by Defendant. The Court allows Ranger Worfolk to remain in the Courtroom as discussed in open court.

Michaela Morris is called to the stand, sworn, and testifies on direct examination by government's counsel. **Government presents exhibits #2, #3 and #4.** Defense counsel objects to government's exhibits and proceeds with cross examination of witness. The Court asks government's witness questions regarding the map. **Government's exhibit #3 is admitted. Government's exhibits #2 and #4 are not admitted. Government presents exhibits #5(a-d). Government exhibits #5(a-d) are admitted. Government presents exhibit #6. Government's exhibit #6 is admitted as discussed in open court. Government presents exhibit #1.** (11:00a.m. – 12:12p.m.)

Court recesses at 12:12 p.m. Court reconvened at 12:26 p.m.

Michaela Morris is still on the stand and still under oath, testifies on direct examination by government's counsel. **Government presents exhibit #1. Government's exhibit #1 is admitted from beginning of video to minute 7.00. Government's counsel request to continue playing exhibit. It is so ordered. Government's exhibit #1 is played from minute 7.00 to 8.19 and concludes at 35.18.** Government's counsel requests to enter government's exhibit #8(e). Defense counsel objects to government's exhibit #8(e). **Government's exhibit #8(e) is not admitted.** (12:26 p.m. – 1:13p.m.)

Government presents exhibit #7. Government's exhibit #7 is admitted.
(1:13 p.m. – 1:21 p.m.)

Court recesses at 1:22 p.m. Court reconvened at 2:12 p.m.

Michaela Morris is still on the stand and still under oath, testifies on cross examination by defense counsel. Government's counsel has no direct. Witness is excused.
(2:12 p.m. – 2:16 p.m.)

Court addresses finds of government's exhibit #8(e) on the record and government's exhibit #8(e) and is not admitted. (2:16 p.m. – 2:18 p.m.)

Defense counsel moves for judgment of acquittal as to Count 1 of the Information. Government's counsel does not oppose. (2:18 p.m. – 2:19 p.m.)

The Court dismisses Count 1 of the Information. (2:19 p.m. – 2:20 p.m.)

Closing argument made by government's counsel as to Count 2 of the Information. (2:20 p.m. – 2:28 p.m.)

Closing argument made by defense counsel as to Count 2 of the Information. **Government's exhibit #3 and government's exhibit #1 are addressed.** (2:28 p.m. – 2:40 p.m.)

The Court sets forth its findings on the record and finds Defendant guilty of Count 2 of the Information. (2:40 p.m. – 2:49 p.m.)

Defense counsel requests a brief recess before sentencing. It is so ordered. (2:49 p.m. – 2:50 p.m.)

The Court sentences Defendant to six (6) months unsupervised probation and a \$300.00 fine or a 30 hours of community service. **Status Conference is set of Thursday, August 29, 2024 at 9:30 a.m., in LV Courtroom 3D before Magistrate Judge Elayna J. Youchah.** The transcript of these proceedings will serve as the Court's Order.

The Court adjourned at 2:57 p.m.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: _____/S/
E. Garcia, Deputy Clerk